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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,665	07/19/2001	Shigeki Yamakawa	401303	6965
23548	7590	10/08/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/889,665	Applicant(s) YAMAKAWA, SHIGEKI	
	Examiner PAUL T. CHIN	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed July 7, 2004, and the arguments with respect to the rejection(s) of claim(s) 1-6 under Aulanko et al. (EP 631,966) (see IDS, Paper No. 5) or the Japanese Patent (JP 11-060117) (see IDS Paper No. 5) have been fully considered and are persuasive. Note that claims 7-12 are allowed). Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Namba et al. (6,230,846) or Aulanko in view of Namba et al. (6,230,846) (see Paper No. 7) or the Japanese Patent (JP 11-060117) in view of Namba et al. (6,230,846). Applicant's amendment (the addition of new limitation to claim 1) necessitated the new ground(s) of rejection presented in this Office action and accordingly, THIS ACTION IS MADE FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "*control panel projects farther into the hoistway from said face than the protrusion*" (claim 5) must be shown or the feature(s) canceled from the claim(s). It is pointed out that figure 2 shows that the control panel (6) *does not project farther* into the hoist way from said face than the protrusion (either "landing floor door 14" or "door sill 15". No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views.

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of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention, submitted on December 12, 2002, as "Elevator System Including Control Panel Within Hoistway" is descriptive and acceptable.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Namba et al. (6,230,846) (see Paper No. 7).

Namba et al. (6,230,846) discloses an elevator system comprising a hoist way including a hoist way wall and a bottom portion (Figs. 1-11); the hoist way including a face and a protrusion projecting from the face into the hoist way; a vertically moving member (2) ascending and descending within the hoist way along and not interfered with the protrusion wherein the protrusion being *at least one member selected from the group*

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consisting of a landing floor door mechanism (see Figs. 1 and 8), mounting arms (8,8) and landing plates (9,9), which are a part of building structure, disposed within a range of movement of the vertical moving member; and a control panel (12) wherein an area of the control panel overlaps an area produced by projection of the protrusion (see Fig. 5).

Re claim 2, the control panel (Fig. 5) is positioned above an opening in the face of the hoist way.

Re claim 3, the protrusion is a floor door mechanism (see Figs. 1 and 8) wherein the door mechanism opens and closes the opening and the control panel is installed on the face *substantially* above the landing floor door mechanism, as broadly as recited in the claim.

Re claim 4, Namba et al. (6,230,846) shows that the control panel (12) is located in the hoist way above a highest position reached by the elevator car (see Fig. 1).

Re claim 5, the control panel projects farther into the hoist way from said face than the protrusion (8,9) (see Figs. 3 and 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aulanko et al. (EP 631,966) in view of Namba et al. (6,230,846).

Aulanko et al. (EP 631,966) discloses an elevator system comprising a hoist way including a hoist way wall and a bottom portion (Fig. 1), the hoist way including a face

(Fig. 1); a vertically moving member ascending and descending within the hoist way along; and a control panel (8). Aulanko et al. (EP 631,966) does not *clearly* show a *protrusion substantially projecting from the face into the hoist way* wherein the protrusion being *at least one member selected from the group* consisting of a landing door mechanism and a building structural member disposed within a range of a movement of the vertical moving member.

However, Namba et al. elevator (6,230,846), as presented in section 5 above, shows a *floor door mechanism* (see Figs. 1 and 8) *substantially projecting from the face into the hoist way*, a protrusion being *at least one member selected from the group* consisting of a landing a floor door mechanism and a building structure member disposed within a range of movement of the vertical moving member. Accordingly, it would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a *floor door mechanism* on the door mechanism of Aulanko et al. elevator as taught by Namba et al. (6,230,846) so that the mechanisms (both the floor door and elevator door) can be interactive providing a safety for not being too close to surface of the hoist way as shown in figures 1 and 8 of Namba's elevator.

Re claim 2, the modified Aulanko et al. elevator shows that the control panel (8) is positioned above an opening in the face of the hoist way.

Re claim 3, the protrusion is a landing door mechanism.

Re claim 4, the modified Aulanko et al. elevator system (EP 631,966) shows that the control panel is located in the hoist way above a highest position reached by the elevator car (see Fig. 1).

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8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese Patent (JP 11-060117) in view of Namba et al. (6,230,846).

The Japanese Patent (JP 11-060117) discloses an elevator system comprising a hoist way including a hoist way wall and a bottom portion (Figs. 3 and 5), the hoist way including a face; a vertically moving member (1) ascending and descending within the hoist way along; and a control panel (16). The Japanese Patent (JP 11-060117) does not *clearly show a protrusion substantially projecting from the face into the hoist way* wherein the protrusion being *at least one member selected from the group* consisting of a landing door mechanism and a building structural member disposed within a range of a movement of the vertical moving member.

However, Namba et al. elevator (6,230,846), as presented in section 5 above, shows a *floor door mechanism* (see Figs. 1 and 8) *substantially projecting from the face into the hoist way*, a protrusion being *at least one member selected from the group* consisting of a landing a floor door mechanism and a building structure member disposed within a range of movement of the vertical moving member. Accordingly, it would have been an obvious to one of the ordinary skill in the art at the time the invention was made to provide a *floor door mechanism* on the door mechanism of the Japanese Patent elevator as taught by Namba et al. (6,230,846) so that the mechanisms (both the floor door and elevator door) can be mutually interactive, providing a safety feature for not being too close to the face or the surface of the hoist way as shown in figures 1 and 8 of Namba's elevator.

Re claim 2, the modified Japanese Patent's elevator shows that the control panel (16) is positioned above an opening in the face of the hoist way.

Re claim 3, the protrusion is a landing door mechanism.

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Re claim 4, the modified Japanese Patent (JP 11-060117) shows that the control panel (16) is located in the hoist way above a highest position reached by the elevator car.

Re claim 6, the modified Japanese Patent (JP 11-060117) shows a plurality of openings (see Figs. 3,5, and 7) and the control panel (16) is substantially located in the hoist way between two of the openings.

Allowable Subject Matter

9. Claims 7-12 are allowed.

Response to Arguments

10. Applicant's amendment filed July 7, 2004, and the arguments with respect to the rejection(s) of claim(s) 1-6 under Aulanko et al. (EP 631,966) (see IDS, Paper No. 5) or the Japanese Patent (JP 11-060117) (see IDS Paper No. 5) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Namba et al. (6,230,846) or Aulanko in view of Namba et al. (6,230,846) (see Paper No. 7) or the Japanese Patent (JP 11-060117) in view of Namba et al. (6,230,846). Namba et al. (6,230,846) clearly shows a landing floor door mechanism (see Figs. 1 and 8) and mounting arms (8,8) and landing plates (9,9), which are a part of building structure, which are a protrusion projecting from the face into the hoist way.

Conclusion

11. Applicant's amendment (*the addition of new limitation to claim 1*) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PTC
October 1, 2004



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